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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/575,002
Filing Date: April 06, 2006
Appellant(s): BRONDIJK, ROBERT ALBERTUS

Dicran Halajian (39703)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/12/09 appealing from the Office action mailed 5/11/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Applicant Admitted Prior Art

JP 2000-2855609

Tsuchiya

10/13/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-8, 11-14 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art herein AAPA in view of Tsuchiya JP 2000-285609 (translation) herein Tsuchiya.
 4. Per claim 1, AAPA discloses: **A Medium access device capable of writing information in a logical storage space of a storage medium which has a physical storage space** (pg. 2 lines 6-10 and lines 21-25) **comprising two or more layers of**

physical storage locations, each storage location having a physical address, (pg. 2 lines 27-28) the logical storage space comprising storage locations within a first one of said layers and within a subsequent one of said layers, the storage locations in said logical storage space having contiguously numbered logical addresses; (pg. 2 lines 27-31) the medium access device having an address limit memory containing at least a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer; (pg. 4 lines 1-3)

5. AAPA does not specifically disclose: **the medium access device comprising means for changing the value in said address limit memory.**
6. However, Tsuchiya in an analogous art discloses: **the medium access device comprising means for changing the maximum value in said address limit memory** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary to coincide with the record data boundary. Per the applicant's specification, the means for changing is a medium access device. Thus, the examiner notes that Tsuchiya discloses a means for changing the layer boundary to coincide with the record data boundary (fig.1))
7. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya because Tsuchiya avoids production picture and playback voice to deteriorate during a layer transition (§¶0010 & 0011)
8. Per claim 2, AAPA discloses: **adapted to compare the logical address of the current block with the maximum value stored in the address limit memory while**

writing in said first storage layer and, if the result of this comparison shows that the maximum value has been reached for said first storage layer, to make a transition to the first available block in the next storage layer (pg. 4 lines 1-3)

9. Per claim 3, AAPA discloses: **store a certain the maximum value in the address limit memory** (pg. 4 lines 1-3; disk drive has parameter maximum vale)

10. AAPA does not specifically discloses: **write the maximum value to a predetermined storage location of said storage medium**

11. However, Tsuchiya discloses: **write the maximum value to a predetermined storage location of said storage medium** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary to coincide with the record data boundary)

12. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

13. Per claim 4, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

14. Per claim 5, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

15. Per claim 6, AAPA discloses: **the host device being adapted to send data to said medium access device, the data containing information to be written on said medium and/or containing instructions for said medium access device;** (pg. 2 lines 4-8. Even though the examiner believes the prior art teaches the limitation, this

limitation is not positively recited from the usage of "capable of" or "adapted to" therefore the prior art is not required to teach the limitation.)

16. AAPA discloses a host device but does not specifically discloses: **the host device being adapted to send a limit fix command to said medium access device for instructing said medium access device to store a host-determined value in its address limit memory**

17. However, Tsuchiya discloses: **the host device being adapted to send a limit fix command to said medium access device for instructing said medium access device to store a host-determined value in its address limit memory** (§0052 lines 3-6; record data generating equipment generates a layer boundary and store the layer boundary in the disk drive)

18. It would have been obvious to one having ordinary skill in the art at the time of the invention the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

19. Per claim 7, Tsuchiya discloses: **adapted to send a video signal to said medium access device, the host device being capable of evaluating the video signal to be written so as to determine where cell boundaries in this video signal are to be expected,** (§0023; Encoding the video and storing the results in hard disk drive; §0025 recording data generation equipment generates units according to the contents of the encoded data stream and the objects of the units are cell boundaries (§0027) Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of "capable of" or

"adapted to" therefore the prior art is not required to teach the limitation.) **to calculate a suitable value for said parameter such that a block for which it holds that a logical address is equal to the maximum value corresponds to a cell boundary,** (¶0012 line 3-6; generate LMax/layer boundary) **and to send a limit fix command to said medium access device for instructing said medium access device to store said calculated value into the address limit memory** (¶0052 lines 3-6; record data generating equipment generates a layer boundary and stores the layer boundary in the disk drive)

20. Per claim 8, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.
21. Per claims 11 and 12, they contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.
22. Per claim 13, Tsuchiya discloses: **wherein said storage medium is an optical disc, and wherein said medium access device is a disc drive** (¶0014 lines 1-2).
23. Per claim 14, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.
24. Per claim 26, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.
25. Per claim 27, it contains the same limitation as claim 3 and is rejected for the same reason set forth in connection the rejection of claim 3.
26. Per claim 28, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

(10) Response to Argument

On pages 14 and 15 of the Appeal Brief filed 10/12/09, with respect to claims 1, 5, 11, and 26 the appellant alleges:

Applicant submits that Tsuchiya does not disclose ***“the medium access device having an address limit memory containing at least a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer; the medium access device comprising means for changing the maximum value in said address limit memory.”***

Furthermore, the appellant argues:

Changing the maximum value in the address limit memory of a medium access device is nowhere disclosed or suggested in AAPA and Tsuchiya, alone or in combination. Appellant concedes that Tsuchiya discloses that the border of a recorded data is changed to coincide with the layer boundary, which is a similar result as the result of the present application. However, there are many ways to achieve a particular result. For example, the maximum value may be ignored, or a different variable or flag may be set or used. The present inventions as recited in independent claims 1, 5, 11 and 26 requires a particular way to achieve the result, namely, to change the maximum value.

The examiner respectfully disagrees and upholds that AAPA in combination with Tsuchiya disclose the limitation in question. The examiner notes that the appellant concedes that Tsuchiya discloses that the border of a recorded data is changed to coincide with the layer boundary which provides a similar result as the present

invention. Tsuchiya (prior art) discloses that in the prior art that null padding is used to insert meaningless data between the cell boundary and the layer boundary. (¶0007 lines 9-11) Tsuchiya notes that this process is cumbersome because of the need for repeated multiplexing. The examiner notes that even though this is prior art in the Tsuchiya reference, it still reads on the limitation in question. To solve the cumbersome multiplexing issue, Tsuchiya further teaches setting a recording position to coincide with a boundary of a recording region by using an offset (¶0012 lines 1-7). To set the recording position, an offset OFF is set between the VTS (video title) and VOB (video object) (¶0030). The offset OFF is set by changing the offset quantity which alters the beginning position of the VOBS. The examiner notes that the maximum value is a maximum logical address of a layer which can also coincide with a cell boundary (shown in applicant's fig 3). By altering the offset, the cell boundary also changes thus making the cell boundary coincide with the layer boundary and prevents a jump between layers while in the same video cell (Same as applicant fig. 2 and 3).

Further, in the advisory action dated Aug. 7th 2009, the applicant argues that there are many ways to achieve the results of the invention and states that Tsuchiya does not disclose a "particular way" of changing the maximum value. The examiner clearly states that the claim language does not reflect the **procedure** (how) of changing the maximum value to differentiate the instant application from the prior art. Therefore, the examiner upholds his previous assessment of changing a maximum value.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Baboucarr Faal/

Examiner, Art Unit 2189

Conferees:

/Reginald G. Bragdon/

Supervisory Patent Examiner, Art Unit 2189

/Kevin L Ellis/

Supervisory Patent Examiner, Art Unit 2117